

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RADAMES SANABRIA,

Petitioner,

v.

**THE PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE, et al.**

Respondents.

CIVIL ACTION

NO. 23-CV-855-KSM

ORDER

AND NOW, this 18th day of September, 2024, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Doc. No. 27), **IT IS ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DENIED WITH PREJUDICE**;¹
3. A certificate of appealability will not issue;² and

¹ In the Eastern District of Pennsylvania, Local Rule 72.1.IV(b) governs a petitioner's objections to a magistrate judge's report and recommendation." *Piasecki v. Ct. of Common Pleas*, No. 14-cv-7004, 2021 WL 1105338, at *3 (E.D. Pa. Mar. 23, 2021). Under that Rule, a petitioner must "specifically identify the portions of the proposed findings, recommendations, or report to which objection is made and the basis for such objections" *within fourteen days* of receipt of a copy thereof. *Id.* As of the date of this Order, Petitioner has failed to file any objections to the August 5, 2024 Report and Recommendation.

² Because jurists of reason would not debate the procedural or substantive dispositions of Petitioner's claims, no certificate of appealability should be granted. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) ("Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. . . . When the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.").

4. The Clerk of the Court shall mark this case closed for statistical purposes.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.